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AF/2643

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	:	Jacquelyn Annette Martino et al.			
SERIAL NO.	:	09/282,320	EXAMINER	:	2643
FILED	:	March 31, 1999	ART UNIT	:	George Eng
FOR	:	MIRROR BASED INTERFACE FOR COMPUTER VISION APPLICATION			

APPEAL BRIEF TRANSMITTAL LETTER

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JUL 29 2004
Technology Center 2600

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

Appellants respectfully submit three copies of a Brief For Appellants that includes an Appendix with the pending claims. The Appeal Brief is now due on September 15, 2004.

Appellants enclose a check in the amount of $330.00 covering the requisite Government Fee.

Should the Examiner deem that there are any issues which may be best resolved by telephone communication, kindly telephone Applicants undersigned representative at the number listed below.

Respectfully submitted,
Russell Gross
Registration No. 40,007

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Date: July 22, 2004

Mail all correspondence to:
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P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP APPEAL BRIEF-PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on July 22, 2004.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

(Signature and Date)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

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In re the Application		
Inventor	:	**Jacquelyn Annette Martino et al.**
Application No.	:	**09/282,320**
Filed	:	**March 31, 1999**
For	:	**MIRROR BASED INTERFACE FOR COMPUTER VISION APPLICATIONS**

APPEAL BRIEF

On Appeal from Group Art Unit 2643

Date: July 22, 2004

Russell Gross
Registration No. 40,007

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

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TABLE OF CONTENTS

TABLE OF CASES

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the present application, U.S. Philips Corporation, and not the party named in the above caption.

II. RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-20 have been presented for examination. All of these claims are pending, stand finally rejected, and form the subject matter of the present appeal.

IV. STATUS OF AMENDMENTS

The finality of the Office Action issued April 7, 2004 was withdrawn in view of the Amendment that was filed on May 11, 2004. However, the aforementioned amendment did not place the application in condition for allowance, and another Final Rejection was issued on June 16, 2004. There were no Amendments filed after the Final Rejection of June 16, 2004 was issued.

V. SUMMARY OF THE INVENTION

The claimed invention comprises a mirror based interface for computer vision applications that includes a camera 120 (Fig. 1) for producing a camera image. A mirror 150 is movably arranged at an angle in front of the camera, so as to produce a mirror image 151, with the mirror 150 having a reflection surface that is greater than a lens surface of the camera 120. The mirror 150 is coupled to the camera 120 so as to correspond to a field of view of the camera, with the mirror image facilitating the framing of an object image. A solid two-way transparent area 158 is arranged in a center area of the mirror to permit the camera to capture the camera image, but allow the person (image object 101) to see one's self in the mirror field of reflection 155. As the mirror field of reflection 155 corresponds to the camera's field of view 125 (and depicted in camera image 121) the person (image object 101) gets a very accurate view of how they appear to someone receiving the output of the camera.

VI. ISSUES

(1) Whether claims 1-2, 4-7, 9-15 and 18-20 are improperly rejected under 35 U.S.C.§103(a) over Kamaya et al. (U.S. 5,337,175 hereinafter "Kamaya") in view of Baumgarten (U.S. 5,940,229) and Janow (U.S. 5,394,198); and

(2) Whether claim 3 stands improperly rejected under 35 U.S.C.§103(a) over Kamaya in view of Baumgarten and Janow as applied to claim 1, and further in view of Braun (U.S. 5,532,737).

(3) Whether claim 8 stands improperly rejected under 35 U.S.C.§103(a) over Kamaya in view of Baumgarten and Janow, and further in view of Kawashima et al. (U.S. 6,079,862, hereinafter "Kawashima").

(4) Whether claims 16-17 stand improperly rejected under 35 U.S.C.§103(a) over Kamaya in view of Baumgarten and Janow, and further in view of Parulski et al. (U.S. 5,943,603, hereinafter "Parulski").

VII. GROUPING OF CLAIMS

Claims 1-20 stand or fall together.

VIII. ARGUMENT

(1) Rejection of claims 1-2, 4-7, 9-15 and 18-20 under 35 U.S.C.§103(a) over Kamaya in view of Baumgarten and Janow:

According to the Final Office Action, it is alleged that instant claim 1 would have been obvious to a person of ordinary skill in the art at the time of invention in view of the combination of references in part because Kamaya discloses an image framing system. Although it is admitted that Kamaya does not specifically teach that the mirror is movably arranged to permit the camera to capture the camera image, Baumgarten allegedly discloses an image generating device for quickly and easily inspecting a user's own appearance including a framing mirror in front of a camera.

In addition, although the Examiner admits that the combination of Baumgarten and Kamaya specifically fails to disclose the two-way transparent solid area of the mirror to permit the camera to capture the image of the user on the other side of the mirror, this

feature is allegedly taught by Janow. Allegedly, a person of ordinary skill in the art would have found the above-rejected claims to have been obvious at the time of invention in view of the combination of references because Janow adds to the combination of Kamaya and Baumgarten an enhancement to the alleged system, so that the camera image appears more uniform.

Applicants respectfully submit that the combination of Baumgarten, Kamaya and Janow fails to disclose or suggest the recitation that the **"mirror has a two-way transparent solid center area to permit the camera to capture the camera image"** as recited by instant claim 1.

Applicants respectfully submit that the allegation in the Final Office Action that claim 1 is obviated by the combination of references because Janow discloses the arrangement of a camera 509 behind a mirror by either drilling a hole (Fig. 5 of Janow) or "scratching off a reflective coating" (Fig. 6) is incorrect, particularly because the item 105 disclosed in Janow is not a mirror, but rather a projection screen comprising a lenticular structure on the viewing surface (please see Janow, column 3, lines 38-42). A lenticular screen typically comprises a number of lenses closely packed to form many parallel cylinders used when used as a projection screen.

In Janow, a concave mirror 103 projects an image onto the lenticular screen because the screen is not a mirror. Applicants respectfully refer to Fig. 1 of Janow, particularly with regard to item 105, because if item 105 were a mirror orthogonally arranged on the desk 100, the image of viewer 125 would be reflected from the screen 105 as well, and thus, would necessarily interfere with the reflection from concave mirror 103. Thus, as Janow is characterized in the Final Office Action as part of a combination

rejection but as characterized in the Office Action the projection screen 105 would not function as a projection screen, which is contrary to the teachings of the Janow reference.

Thus, at best, Janow might disclose or suggest to the artisan to arrange a camera 509 behind a projection screen.

Accordingly, the combination of Baumgarten, Kamaya and Janow fails to disclose or suggest the above-quoted recitation of instant claim 1. Nor would a person of ordinary skill in the art found any suggestion by Janow to modify the combination of teachings of Baumgarten and Kamaya.

For at least the above reasons, Applicants respectfully submit that instant claim 1 would not have been obvious to an artisan over the combination of Baumgarten, Kamaya and Janow. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Applicants respectfully submit that independent claims 11, 15 and 18 have been previously amended in a similar fashion as instant claim 1, and these claims would not be obvious over the combination of Baumgarten, Kamaya and Janow for at least the above-reasons that traversed the rejection of instant claim 1. In addition, claims 2, 4-7, 9, 10, 12-14, and 19-20 are believed to be allowable at least for their dependence upon an independent claim believed to be allowable, as well as because of an independent basis for patentability.

Accordingly, reversal of all grounds of rejection under 35 U.S.C.§103(a) by the Honorable Board are requested in light of the foregoing.

(2) (3) (4) **All rejections under 35 U.S.C.§103(a):**

(2) With regard to the rejection of claim 3, the addition of Braun to the combination of Baumgarten, Kamaya and Janow, still fails even to disclose or suggest Applicants' base claim 1, let alone disclose or suggest all the elements of instant claim 3. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

(3) With regard to claim 8, the addition of Kawashima to the combination of Baumgarten, Kamaya and Janow, still fails even to disclose or suggest Applicants' base claim 1, let alone disclose or suggest all the elements of instant claim 8. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

(4) With regard to claims 16-17, Applicants respectfully submit that the addition of Parulski to the combination of Baumgarten, Kamaya and Janow, still fails even to disclose or suggest Applicants base claim 15, let alone disclose or suggest all the elements recited by instant claims 16 and 17. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Finally, Applicants respectfully submit that the MPEP discusses rejections under 35 U.S.C.§103(a) and refers to the case of *In re Fritch,* 973, F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992), wherein the Court of Appeals for the Federal circuit held that:

> Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

Here, the Final Office Action has not set forth a *prima facie* case of obviousness as the suggested desirability of modifying a mirror based on a disclosure of a lenticular structure projection screen in Janow finds absolutely no disclosure, teaching, or motivation from the combination of references. The arrangement of a solid two-way transparent center area in the mirror is taught only by the Applicants' claimed invention, and not from anything that can be found in the combination of references.

Accordingly, reversal of all grounds of rejection under 35 U.S.C.§103(a) by the Honorable Board are requested in light of the foregoing.

IX. CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to anticipate or render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection and allowance of all the pending claims are respectfully solicited.

Respectfully submitted,

Russell Gross
Registration No. 40,007

Date: July 22, 2004

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

X. APPENDIX: THE CLAIMS ON APPEAL

1. (Previously presented) An image frame system comprising:

a camera having a lens for producing a camera image, and

a mirror, movably arranged at an angle to the camera, that produces a mirror image, the mirror having a reflection surface that is substantially greater than the lens surface,

wherein:

the mirror is operably coupled to the camera such that a field of view of the mirror substantially corresponds to a field of view of the camera, and the mirror image is representative of the camera image so as to facilitate framing an object image in the camera image; and wherein

the mirror has a two-way transparent solid center area to permit the camera to capture the camera image.

2. (Original) The image frame system of claim 1, wherein:

the camera has a first field of view, and

the mirror has a field of reflection that substantially corresponds to the first field of view of at least a portion of the camera image.

3. (Original) The image framing system of claim 2, further including

a second camera that has a second field of view that in conjunction with the first field of view forms a stereo field of view, and

wherein the field of reflection also substantially corresponds to the second field of view ands the stereo field of view in at least a portion of the camera image.

4. (Previously presented) The image framing system of claim 1, wherein:

the mirror has a front surface that is substantially reflective except for the transparent solid center area, and a rear surface, and the camera is located behind the rear surface.

5. (Original) The image framing system of claim 1, also comprising

an output device having a display area for displaying a second image, wherein the mirror is located within the display area.

6. (Previously presented) The image framing system of claim 1, wherein the mirror has a front surface that is substantially reflective except for the transparent solid center area, and the image framing system also includes:

a controllable device that controls a field of reflection that is associated with the mirror.

7. (Original) The image framing system of claim 1, further including

a light source that emits light, and

wherein the mirror provides the mirror image in dependence upon the light.

8. (Original) The image framing system of claim 1, further including:

a recognition device, operably coupled to the camera, that provides an enable signal in dependence upon the camera image, and,

a processing system, operably coupled to the recognition device that provides an output in dependence upon the enable signal.

9. (Original) The image framing system of claim 1, wherein the image framing system is included in at least one of: a wearable device, a watch, a telephone, a computing device and an appliance.

10. (Original) The image framing system of claim 1, wherein the camera image is communicated to a remote location for subsequent viewing.

11. (Previously presented) A video conference system comprising:

an image frame system that includes:

a camera having a lens to produce a camera image for communication to a remote site, and

a mirror having a two-way transparent solid area to permit the camera lens to capture the camera image, attached to an exterior of the camera and movably arranged at an angle to the camera, wherein a field of view of the mirror substantially corresponds to a field of view of the camera, and the mirror provides a mirror image that is representative of the camera image to facilitate framing an object image in the camera image, the mirror having a reflection surface that is substantially greater than the lens surface; and

a display system that displays a second image received from the remote site.

12. (Original) The video conferencing system of claim 11, wherein

the display system includes a display area for displaying the second image, and

the mirror is located within the display area.

13. (Original) The video conferencing system of claim 11, wherein:

the camera has a field of view, and

the mirror has a field of reflection that substantially corresponds to the field of view of the camera of at least a portion of the camera image.

14. (Original) The video conferencing system of claim 11, further including a transmitter that communicates the camera image to the remote site.

15. (Previously presented) An image transmission system comprising:

a camera having a lens for producing a camera image,

a mirror having a two-way transparent solid center area to permit the camera lens to capture the camera image movably arranged at an angle to the camera, the mirror having a field of view that substantially corresponds to a field of view of the camera, and the mirror being operably coupled to the camera that produces a mirror image that corresponds substantially to the camera image, the mirror having a reflection surface that is substantially greater than the lens surface, and

a transmitter, operably coupled to the camera, which transmits the camera image to a remote location.

16. (Original) The image transmission device of claim 15, further comprising at least one of: a computing device, a telephone, a PDA, a voice transmitter, a text transmitter, and an e-mail transmitter.

17. (Original) The image transmission system of claim 15, wherein the transmitter transmits the camera image via at least one of a telephone system, a cable system, a wireless system, and an Internet system.

18. (Previously presented) A method of framing an image of an object within a camera image comprising the steps of: aligning a mirror having a two-way transparent center area having a field of view that substantially corresponds to a field of view of the camera, and attaching the mirror to an external surface of the camera so as to provide a mirror image that is representative of the camera image except for the transparent solid center area, and adjusting a position of the object in dependence upon the mirror image and thereby frame the image of the object in the camera image.

19. (Original) The method of claim 18, further including the step of:

adjusting a field of reflection of the mirror in dependence upon a field of view associated with the camera image.

20. (Original) The method of claim 18, further including the step of transmitting the camera image to a remote location.